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EXTRAORDINARY

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(AGRAHAYANA 23, 1943 SAKA)

LEGISLATIVE SUPPLEMENT

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PART III
GOVERNMENT OF PUNJAB
DEPARTMENT OF WATER RESOURCES
(MINES AND GEOLOGY)

NOTIFICATION

The 13th December, 2021

No. G.S.R. 165/C.A.67/1957/Ss.15 and 23C/Amd.(9)/2021.- In exercise of the powers conferred by section 15 read with section 23C of the Mines and Minerals (Development and Regulation) Act, 1957, (Central Act 67 of 1957), and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules further to amend the Punjab Minor Mineral Rules, 2013, namely:-

RULES

1. (1) These rules may be called the Punjab Minor Mineral (Second Amendment) Rules, 2021.

(2) They shall come into force on and with effect from the date of their publication in the Official Gazette.

2. In the Punjab Minor Minerals Rules, 2013(hereinafter referred as the said rules),in the rule 27:

- i. for the word "permit" wherever occurring, the word "license or permit" shall be substituted; and
- ii. for sub-rule (1), the following sub-rule shall be substituted, namely:-

"(1) Notwithstanding anything contained in these rules, after obtaining the application for grant of license in the Form 'A1', the Director or any other officer authorised by him in this behalf, may issue a license in Form 'B1' for an area upto two acres and depth upto three feet from any specified land for excavation of Brick earth for a period of one financial year commencing from 1st day of April to 31st day of March. The excavation of brick earth from area upto 2 acres and depth upto 3 feet shall be considered as non mining activity.

(1A) In case of area more than two acres or depth more than three feet or both is encountered, the Director or any other officer authorised by him in this behalf, may grant permit in Form 'K' in addition to license fee from any specified land for mining mineral for such a period not exceeding one year as specified therein:

Provided that for the purpose of brick manufacturing, the quarrying permit for brick earth shall be for a period of three years on payment of such royalty as given in the Schedule."

3. In the said rules, in the Schedule, under heading "C. Schedule of Fees applicable", after entry no. 12, the following entry shall be inserted, namely:-

"13. Annual License fee for excavation of Brick Earth for all Brick Kilns upto area two acres and depth upto three feet 60,000/-"

4. In the said rules, after FORM 'A', the following form shall be inserted namely:-

"FORM 'A1'
(see rule 27)

Application for Licence for Extraction of ordinary clay or earth for manufacturing of bricks.

To

Director, Mining and Geology,
Department of Water Resources,
Government of Punjab.

Sir,

I/We _____ hereby request that a licence for extraction of clay or earth for manufacturing of bricks under the Punjab Minor Mineral Rules, 2013, be granted to enable me/us for manufacturing of bricks, extract the ordinary clay or earth.

2. The fee of Rs. _____/- payable for the grant of the Licence is remitted herewith through Demand Draft No. _____ (Name of the Bank) dated _____, on _____/or has been deposited in the Government Treasury under Head "0853- Non Ferrous Mining and Metallurgical Industries and receipted challan where for is enclosed.

3. The required particulars are given below:-

- (i) Name of applicant:
- (ii) Address:
- (iii) Profession of the applicant:
- (iv) Quantity of the minor mineral for which License is required:
- (v) Description of the land from which the ordinary clay or earth is to be extracted and removed:

- (a) Name of the village or town with Hadbast Number/Plot No:
- (b) Tehsil:
- (c) District:
- (d) Khasra no. of the land alongwith a copy of Jamabandi:
- (vii) Agreement between the applicant and land owner:
- (viii) Existing status of land from which ordinary clay or earth extracted :
- (ix) Layout plan of the area:
- (x) Number of bricks and category of the brick kiln:
- (xi) Copy of License issued by District Food Supplies Controller.
- (xii) Copy of certificates consent to operate Air and Water issued by Punjab Pollution Control Board.
- (xiii) Undertaking by the applicant that:-
 - (a) area is free from Section 4 and/or 5 of the Punjab Land Preservation Act, 1900 and any kind of forest;
 - (b) digging of the earth at the site is not prohibited by any court of law or any authority or otherwise;
 - (c) ordinary clay or earth will be used only for manufacturing of the bricks;
 - (d) he will abide by all relevant provisions for extraction of earth; and
 - (e) compensation has been settled with the land owner mutually and a copy of the agreement signed between the applicant and the landowner qua mutual settlement of the compensation is attached (in case land is owned by the applicant himself, the proof thereof)
 - (f) In case of any dispute regarding the ownership of land the applicant will be solely responsible.

Yours faithfully,

Place: _____
Dated: _____

Signature and designation of the
applicant."

5. In the said rules, after FORM 'B', the following form shall be inserted, namely:-

FORM- 'B1'
(see rule 27)

Standard form for licence of extraction of ordinary clay or earth for manufacturing of bricks.

Whereas Shri/M/s. _____
_____ owner(s) of brick kiln falling in category _____
has/ have applied for Licence for extraction of ordinary clay or earth
manufacturing of bricks for a period of one year from the land measuring
_____ acres or hectares bearing khasra numbers
_____ in the revenue estate of
_____ Tehsil _____
District _____ under the rules. The applicant has paid requisite
application fee of Rs. _____. Further the applicant has also deposited the
Licence fee of _____ for _____
category of brick kiln.

The permission is hereby granted for extraction of ordinary clay or earth
and manufacture of bricks from the aforesaid area during the period
from.....to subject to the following conditions:—

1. The holder of the Licence shall keep the Government indemnified from third party claim relating to the extraction of ordinary clay or earth from the land, for which Licence is given.
2. The holder of the Licence shall extract the ordinary clay or earth in such a manner that the same shall not disturb or damage any road, public ways, buildings, premises of public grounds.
3. The holder of the Licence shall not use the ordinary clay or earth extracted from the land granted on permit for any other purpose than that of manufacturing of bricks. In case this clay or earth is to be transported up to brick kiln from the site of the excavation, the Licence holder transport the same only by issuing a weightment slip.
4. The holder of the Licence shall on expiry of the Licence either fill up the excavation or suitably fence it for safety as instructed by the Mining Officer concerned.
5. Every Licence holder shall-
 - (i) Ensure that no natural watercourse and /or water resources are obstructed due to the extraction of ordinary clay or earth. Adequate measures shall

- be taken for protection of the older-streams, if any, emanating / passing through the mining area of License of extraction;
- (ii) ensure that Ambient Air Quality parameters conforming to the norms prescribed by the State Pollution Control Board is maintained throughout. For this purpose keep vehicular emissions under control and regularly monitor the same, take measures, for maintenance of vehicles used in extraction and in transportation of mineral, the vehicles shall not be overloaded and take effective safeguards such as regular water sprinkling in critical areas prone to air pollution and having high levels of particulate matter.
 - (iii) take all mitigative measures during the extraction to ensure that the buildings/ structures in the nearby areas shall not be affected;
 - (iv) ensure that personnel working in dusty areas shall wear protective respiratory devices and they shall also be provided with adequate training and information on safety, environment and health aspects;
 - (v) undertake no losses to the agriculture crops due to extraction of ordinary clay/earth and undertake to contribute suitably for compensation in case of loss / damage to the crops;
6. That the Licence holder shall not fell any tree standing on the land without obtaining prior permission in writing from the competent authority in the Forest Department or Collector of the district concerned, as the case may be. In case such permission has been granted, he shall abide by the terms and conditions stipulated in such permission.
 7. The Licence holder shall not carry on surface operations in any area prohibited by any authority, without obtaining prior permission in writing from the concerned authority.
 8. The Licence holder shall not enter and work in any reserved demarcated or protected Forest without obtaining prior written permission of the Forest Department.
 9. The Licence holder shall report immediately all accidents to the Deputy Commissioner and the Officer-in-Charge, concerned.
 10. The area for excavation shall not exceed 2 acres and depth of the extraction of ordinary clay / soil shall not exceed 3 feet.
 11. The brick Kiln owner shall be liable to make payment of Licence fee for the whole of the year not with standing the operation of the Kiln for any part of the year.
 12. In case of any default in due observance of the terms and conditions of

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this Licence the Licence may be cancelled by the Director or by any officer duly authorized by him in this behalf by giving one month's notice.

13. The Licence holder shall follow all the rules and regulation of the department, PMMR-2013, Punjab Pollution Control Board as well as the instructions/ Guidelines issued by the Government from time to time.

Signature _____

Designation _____

RAHUL BHANDARI,
Secretary to Government of Punjab,
Department of Water Resources , Mines and Geology.

2465/12-2021/Pb. Govt. Press, S.A.S. Nagar